

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
APR 1 2005
CLERK, U.S. DISTRICT COURT
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DA-153543 v1

**APPENDIX**

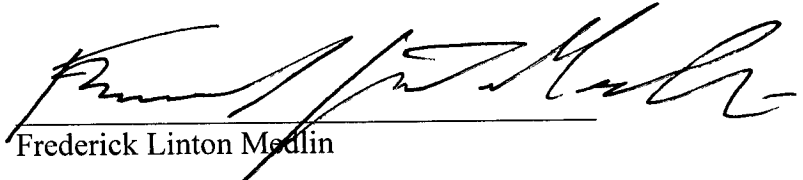
| EXHIBIT | APP. NUMBER | DESCRIPTION                                                                                                                                                                                                                                                      |
|---------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A       | 001 - 028   | Declaration of Steve Falley in support of Defendants' Motion For Summary Judgment                                                                                                                                                                                |
| B       | 029 - 050   | Declaration of Sid Lande in support of Defendants' Motion For Summary Judgment                                                                                                                                                                                   |
| C       | 051 - 079   | Declaration of Jacquelyn Evans in support of Defendants' Motion For Summary Judgment                                                                                                                                                                             |
| D       | 080 - 082   | Declaration of Dror Swisa in support of Defendants' Response Brief Regarding Claim Construction<br><i>(Original in Court records – Docket Entry No. 43, Appendix in Support of Response Brief Regarding Claim Construction by Dror Swisa at App.8 – App. 10)</i> |
| E       | 083 - 125   | Patent Office File for the '548 Patent                                                                                                                                                                                                                           |
| F       | 126 - 161   | Patent Office File for the '389 Patent                                                                                                                                                                                                                           |

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing Appendix in Support of Defendants' Motion for Summary Judgment was forwarded via certified mail, return receipt requested, on this 1st day of April, 2004, to Plaintiff's counsel as follows:

Robert G. Oake, Jr., Esq.,  
Law Office of Robert G. Oake, Jr.,  
101 W. McDermott, Suite 109,  
Allen, Texas 75013

Rudolf O. Siegesmund  
4627 N. Central Expressway, Ste. 2000  
Dallas, Texas 75205-4017



Frederick Linton Medlin

Exhibit A

CIVIL ACTION NO. 3-03-CV-0594-N

Michael Falley, in this same lawsuit. I have looked at Design Patent D416,648 (the "Nailco Patent") and the patent issued to Adi Torkiya, D467,389 (the '389 Patent).

2. I have since 1984 served in various capacities at Realys Inc. ("Realys"), a company that manufactures nail buffers. In 1984, my brother, Michael Falley, started Realys. That year I began manufacturing the buffers that Michael designed. At first, the manufacturing was a two-person operation, where my wife and I would make the buffers at night after our regular jobs.

3. In the years since, I have continued to work for Realys as both Production Manager and Sales Manager. As Production Manager, I have had responsibility for all aspects of production of buffers and other nail implements manufactured by Realys through the years. Realys has had four different factories, and I took part in the opening of each one. As Sales Manager I oversee all of the manufacturing representatives, design new products for sales, and attend conventions and sales meetings.

4. Over the last twenty years, Realys has been at the forefront of nail buffer design and manufacture. It is the "Cadillac" of the industry. We have since the beginning produced the finest and most expensive nail buffers and nail products in the industry. Sally's Beauty Supply is our largest account. Sally's has been our customer for the last fifteen years, and Sally's carries our nail products in over two thousand stores. In addition to Sally's we have over 300 other beauty supply houses as accounts. We sell our products to beauty suppliers in Europe, South America, Asia and Australia.

5. Over the years I consulted frequently with Michael about the design of his buffers and about all aspects of the nail buffer market. In the field of designers of small buffers with several different abrasive surfaces, meant for use in a three-step or four-step buffing process,

there have been very few true “designers.” Almost the whole field consists of designs created in whole or in part by my late brother, Michael Falley, or imitations of those designs made by others. I would consider Lawrence Gaynor of Nailco, Inc., who I know personally, to be a designer of such buffers as well. As a result of my years of experience in the manufacturing and sale of nail buffers, I am familiar with what would have been “obvious” to a designer of ordinary skill who designs nail buffers.

6. In 1985, Michael created a “four-way” nail buffer in the shape of a nail file that had on it four different abrasive surfaces. Three of the surfaces were of progressively finer grit, to be used in a three-step nail buffing process. One surface was for removing ridges in the nail, another was for smoothing the nail, and another was for buffing the nail to a shine. The fourth abrasive surface was for shortening and shaping the nail. This four-way buffer in the shape of a traditional nail file contained a layer of foam between the substrate and the abrasive layers to dissipate heat created by the buffing process.

7. In 1987, Michael had the idea of putting the four different surfaces on the four long sides of a rectangular foam block with square ends, with instructions printed in a technique for printing on abrasive that Michael had pioneered. I believe that Michael was the first to make and sell nail buffers in such block form. Realys has been making and selling this four-way buffer block since 1987. Over the years other manufacturers, both in this country and abroad, have made nail buffer blocks, and such buffer blocks are commonly available. I believe that all of these buffer blocks are copied, either directly and indirectly, from Michael’s nail buffer block.

8. **Exhibit 1** to this Declaration is a copy of the first page of the Realys brochure. Realys had 30,000 copies of this brochure printed in 1987 and has been using it ever since. The first page of the brochure shows the four-way buffer block that Michael invented. On the surface

facing the viewer, it has printed on it "Tropical Shine, Mini 4-Way Buffer." The brochure notes that it is "Block shaped for easier handling, cuticle protection edge for safety." It also describes the block as a "1" x 1" x 3" MINI 4-WAY BUFFER BLOCK." Another image of this same buffer, but in different colors, is attached as **Exhibit 2** to this Declaration.

9. Realys manufactures the four way buffer block with a variety of different brand names printed on it, depending on the company for which Realy's is making the buffer. Examples include buffers with the printed names "LeBron TLSO," "One Stop Beauty Supply & Hair Salon," "'Nails to Perfection' Phase IV Buffing Block," and "Beauty Mart." Photographic images of these versions of the four-way buffer block designed by Michael Falley are found at **Exhibit 3** to this Declaration. Realys has manufactured all of these since at least 1999.

10. Realys also has manufactured since 1987 for Tammy Taylor a version of the buffer block that has abrasive surfaces added on only three sides (the "Tammy Taylor buffer"). Tammy Taylor is a prominent brand of acrylic nail products. A photograph of the Tammy Taylor three-way buffer block is attached as **Exhibit 4** to this Declaration.

11. Realys also has been making buffers for Nailco, Inc. since 1987. Realys made for Nailco a flat, four way buffer in a nail-file shape. Then in about 1998, Lawrence Gaynor of Nailco, Inc. asked Michael to make him a three-sided hollow buffer with the ends being open triangles. Realys made the 3-way buffer (the "Nailco Buffer"). In doing so, and at Michael's initiative, Realys put in the intermediate layers of foam, which were for the purposes of serving as a double-sided adhesive and for the dissipation of heat generated by the buffing process. Also at Michael's initiative, Realys created the three-sided form out of an extruded plastic.

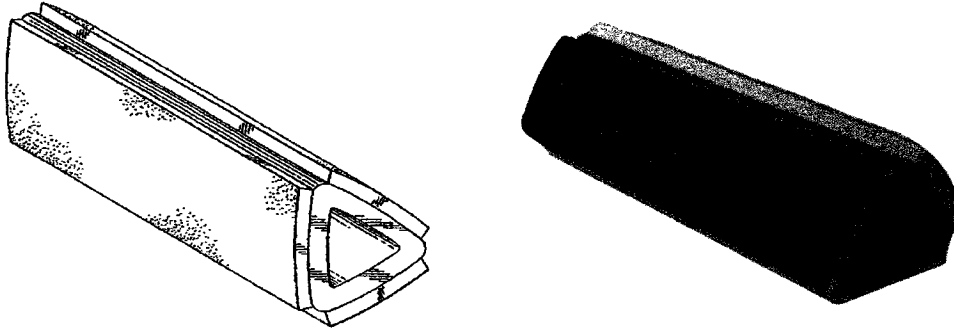


12. Michael also added the “cuticle protection edge” that he had previously incorporated into the Falley buffer blocks. The “cuticle protection edge” means that the abrasive surfaces do not touch each other at the edge, but instead there is a space. The following example may help understand how the cuticle protection edge works. Imagine two sides of a buffer block forming an “L”. Suppose you’re shining a fingernail with the bottom surface of the “L.” If you lean the “L” to far forward, then the back of the “L” is going to cut into the cuticle. But if there is a gap between the abrasive of the bottom of the L and the abrasive on the back of the L, the cuticle is protected. In the Nailco Buffer, because the abrasive surfaces are mounted on foam layers that are mounted on the plastic tube, the cuticle protection edge means that the three sides have a “raised look” and the corners of the underlying plastic tube are exposed.

13. The Nailco Buffer is made in three sizes. One is 3 ½ inches long, another is 4 ½ inches long, and the third is 7 inches long. They are identical except for size. The 3 ½ inches long Nailco Buffer is the “Lil’ Whistler.” Realys has been manufacturing the Nailco Buffer for Nailco since 1998.

14. Gaynor later obtained two patents on a three-sided hollow nail tool, Design Patent D416,648 (the “Nailco Design Patent”) and Utility Patent No. 5,899,210 (the “Nailco Utility Patent”). A copy of the Nailco Design Patent is attached as **Exhibit 5** to this Declaration. On the first page of the Nailco Design Patent there are two drawings. The drawing on top is for a nail buffer, and the one under it is for a nail file. You do not need a cuticle protection edge for a nail file. But the nail buffer shown in the drawing has the cuticle protection edge, where there is a gap between the rectangles of abrasive surface.

15. Shown below is a drawing taken from the Nailco Design Patent, alongside an image of the “Lil Whistler,” which is a version of the product developed by Gaynor and Michael Falley, which Gaynor patented, and which Realys manufactures.



The “Lil’ Whistler” has printed on one side “U.S. Pa. No. 5,899,210” and U.S.Pat.Des. 416,648.” It also states that it is a “3-Way Buffer.” An image of the “Lil Whistler” is also attached to this Declaration as **Exhibit 6**.

16. In the past, Egyptian Goddess, Inc., sold this three-sided hollow buffer that Realys manufactures for Nailco. Realys printed the name “Egyptian Goddess” on those buffers it made for Nailco that were intended for resale to Egyptian Goddess. Realys began making ‘Lil Whistler’s for Nailco in 1998. The first order from Nailco with the name Egyptian Goddess printed on it was on September 7, 1999, over two years before Adi Torkiya filed his application for the ‘389 Patent in October of 2001. As recently as October 2003, Realys was receiving buffer orders from Nailco for buffers for Egyptian Goddess.

17. There are various other manufacturers of buffer blocks, both in this country and abroad, and have been for years. Both three-way buffers and four-way buffers have been on sale continuously and have been common in the market. As an example, attached as **Exhibit 7** are copies of the cover and page 35 of a catalogue put out by International Nail Manufacturers,

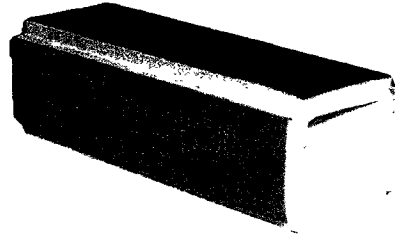
which is a company owned by Jim George. The catalogue is dated as being effective August 1, 1994. On page 35 of this catalogue are various buffer blocks, including "White Blocks" that are "4 Sided Med/Fine" and "Gray Blocks" that are "4 Sided Med/Fine Gray Foam Center." There are also various "Color Block Busters." There is an item advertised as "Buff Buster Buffer Blocks." The description states "3-Sided Natural Nail Buffer Block." These appear to be copies of the 3-way buffer blocks designed by my brother Michael, with abrasive surfaces attached to a foam block.

18. Various foreign manufacturers have been making both three and four way buffer blocks for many years. One example is Dalwoo Nailcare of South Korea (Dalwoo). Dalwoo has been selling three and four way buffer blocks in the United States since 1996 or earlier. These are copies of the Realys' buffer-blocks. Another example is Brian Oliver's company in the United Kingdom, known as Fantasy Files. Fantasy Files makes a 3-way buff & shine block that is a copy of the Realys buffer block. Fantasy Files has been importing buffer blocks into the United States since the 1990s.

19. Three-way and four-way buffer blocks have been so common and widespread in the market for many years that, based on my knowledge of the industry, I can say it would have been impossible for Adi Torkiya, in October of 2001, to have been unaware of the many buffer blocks on the market. As previously mentioned, Realys had been making Nailco buffers for resale by Nailco to Torkiya's company, Egyptian Goddess, since 1999.

20. **Exhibit 8** to this Declaration is United States Patent No. D467, 389 ("the '389 Patent").

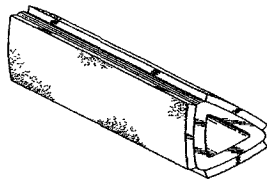
21. Shown below and attached as **Exhibit 9** to this Declaration is an image of the Swisa Buffer.



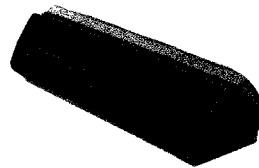
22. Below is an image of the Falley Buffer Block that was first designed by Michael Falley in 1987, a drawing from the Nailco Design Patent, an image of the 'Lil Whistler' and the drawing from the '389 patent. These images show that what Adi Torkiya did in designing the '389 was to take the Nailco Buffer/'Lil Whistler, which he was selling at that time, and return it to the block shape of the commonly available three-way and four-way buffer blocks. He did so by adding a fourth side which did not have an abrasive surface.



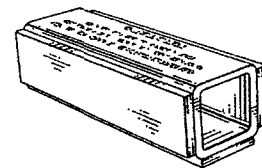
*Falley Buffer Block*



*Nailco Patent*



*'Lil Whistler*



*'389 Patent*

23. It is my understanding that for purposes of design patent law, the term "prior art" refers to designs of the same article of manufacture or of articles sufficiently similar that a person of ordinary skill would look to such articles for their designs. The Falley Buffer Block is prior art to the '389 Patent, although Torkiya did not disclose it as such to the Patent Office in his application. He did disclose the Nailco Patent.

24. I understand that the Court in this case has construed the '389 Patent as follows:

A hollow tubular frame of generally square cross section, where the square has sides of length  $S$ , the frame has a length of approximately  $3S$ , and the frame has a thickness of approximately  $T = 0.1S$ ; the corners of the cross section are rounded, with the outer corner rounded on a 90 degree radius of approximately  $1.25T$ , and the inner corner of the cross section rounded on a 90 degree radius of approximately  $1.25T$ ; and with rectangular abrasive pads of thickness  $T$  affixed to three of the sides of the frame, covering the flat portion of the sides while leaving the curved radius uncovered, with the fourth side of the frame bare.

Going through this claim construction, element by element, and comparing it to the Nailco Patent and the 'Lil Whistler shows that Torkiya took from the Nailco Patent/'Lil Whistler every element of his design except for the addition of the fourth side without an abrasive surface on it, which resulted in square ends to the cross-section rather than triangles. Square ends are taken from the prior art Falley Buffer Block.

25. **Hollow Tubular Frame and Overall Dimensions.** The "hollow tubular frame . . . where the square has sides of length  $S$ , the frame has a length of approximately  $3S$ ," is the same in the Nailco Patent. The hollow tubular frame was taken directly from the Nailco Buffer, although a fourth side without abrasive was added. The three to one ratio of length to width of the buffer is approximately the same in the Falley Buffer Block, the Nailco Patent and the '389 Patent. The ratio comes from the Falley Buffer Block in 1987, which was "1" x 1" x 3", as stated in the 1987 Realys Brochure that is **Exhibit 1** to this Declaration. The actual 'Lil Whistler is 3 ½ inches long, and about 1 1/16<sup>th</sup> inch wide. The Nailco Design Patent drawing, **Exhibit 5** to this Declaration, shows a frame that is three times as long as it is wide.

26. **Ratio of Frame Thickness to Width.** The Court's claim construction next notes that "the frame has a thickness of approximately  $T = 0.1S$  . . . ." In the Nailco Patent drawings, the ratio is about  $T = 0.15S$ . In the actual 'Lil Whistler, however, the side is an eighth of an inch

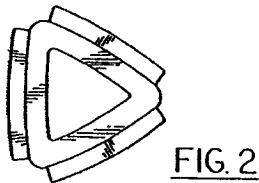
thick, just as in the '389 design, and the frame is about  $1 \frac{1}{16}$ <sup>th</sup> inch wide, so that  $T = 0.1176$ . In the '389 design, the frame is just under an eighth of an inch thick, and  $1 \frac{1}{4}$  inch wide, so that the ratio is approximately  $T = 0.10$ , as in the Court's claim construction. In the actual Swisa Buffer, the frame is approximately a sixteenth of an inch. The Swisa Buffer is 1 inch wide. Therefore  $T = 0.0625$ .

These then are the ratios of thickness to width of frame of the relevant designs:

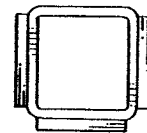
|                                         |              |
|-----------------------------------------|--------------|
| Nailco Patent Drawing                   | $T = 0.15$   |
| 'Lil Whistler that Torkiya was selling: | $T = 0.1176$ |
| Court's Claim Construction of the '389  | $T = 0.10$   |
| Swisa Buffer                            | $T = 0.0625$ |

So there is nothing novel about the ratio of the thickness of the frame sides to the width of the frame in the '389 Patent. Torkiya just took that ratio from the "Lil Whistler that he had been selling for two years when he applied for the patent. But even if there was anything novel about the ratio, Realys did not use that ratio in the Swisa Buffer.

27. **Rounded Corners of the Cross Section.** Again, Torkiya took the rounded corners of the cross-section directly from the Nailco Patent. Below is Figure 2 from the Nailco Patent and Figure 4 from the '389 Patent.



*From the Nailco Patent*



*From the '389 Patent*

28. **Rectangular abrasive pads of thickness T affixed to three of the sides of the frame.** The Court's claim construction next talks about the three abrasive pads that are of the same thickness as the cross section of the frame. In actual practice, in the Nailco and Swisa Buffers these "abrasive pads" consist of 1/8<sup>th</sup> inch thick foam covered with a thin abrasive surface. In the Nailco Patent drawings, the pads appear to be of less thickness than the sides of the tube. But in the actual 'Lil Whistler that Torkiya was selling, both the frame and the foam pad are each 1/8<sup>th</sup> of an inch thick, so that there was nothing novel in the ratio of pad to tube-side thickness in the '389 design. Because the Swisa Buffer's sides are thinner than those of the 'Lil Whistler, the Swisa Buffer does not have this ratio anyway. Instead, in the Swisa Buffer the 1/8<sup>th</sup> inch thick foam pads are twice as thick as the cross section of the frame.

29. **The pads cover the flat portion of the sides while leaving the curved radius uncovered.** Again, Torkiya took these features directly from the Nailco Patent. The gap "leaving the curved radius uncovered" is the "cuticle protection edge" invented by my brother, Michael Falley. Again, if you look at the Realys brochure printed back in 1987, which is Exhibit 1 to this Declaration, it says "Block shaped for easier handling, cuticle protection edge for safety." As previously explained, that "cuticle protection edge" means that the abrasive surfaces do not go all the way to the edge of the buffer block so that they meet, in order to protect the cuticle while buffing the nail. Michael added this feature to the Nailco Buffer, from which Torkiya took it. Torkiya also took from the Nailco Patent the fact that the abrasive pads are "covering the flat portion of the sides while leaving the curved radius uncovered . . . ." In the Nailco Buffer, the Swisa Buffer and the '389 Patent, the pads cover the entire flat portion of the sides.

30. The only aspects of the '389 design that are not taken directly from the Nailco Patent are those related to the addition of a fourth side with no abrasive surface. As I said above, I have worked in the nail buffer industry for many years and am extremely familiar with the buffers available as well as their manufacturing process. It would have been obvious to any designer of nail buffers, or even, I believe to any lay person who looked at the Falley Buffer Block, three-way buffer blocks, and the Nailco Buffer, that you could simply add to the Nailco Buffer a fourth side without an abrasive on it. This merely takes the Nailco Buffer to the block shape of the original Falley Buffer Block, while keeping the hollow aspect of the Nailco Buffer. As there had already been on the market for a long time 3-way buffer blocks that had no abrasive on one side, it was also obvious after the Nailco Buffer that you could have a three way hollow buffer that had four sides but with no abrasive on one side.

31. The number of sides with abrasive surface on them would be important to purchasers because it determines whether a buffer is a "three way buffer" or a "four way buffer." I believe that, based on my many years of experience in the nail buffer business, I know what consumers in the nail buffer business want. End-use consumers of buffers usually have preferences between three-way and four-way buffers. Three way buffers, used in combination with a nail file, can do everything four-way buffers do as a single product, but three way buffers are less expensive than four-way buffers. End-use consumers will almost always buy one or the other, but not both types of buffers. Wholesale purchases of buffers buy both three-way and four-way buffers, so they may meet the needs of both sorts of end-use consumers. For example, Tammy Taylor markets both three-way and four-way buffer blocks manufactured by Realys.

32. Both three-way and four-way buffers have been on the market since 1985, and Realys has been making both three-way and four-way buffer blocks since 1987. Other



manufacturers, both in this country and abroad, have also been making such buffers for many years. Both types exist in the market because there has been a demand for both, ever since my brother Michael generated the demand for a four-way buffer by inventing it. Since three way buffers are less expensive than four way buffers, were there not a demand for both buffers, they would not continue to be manufactured and sold for all these years.

33. The difference between a buffer with abrasive on three sides—a “three-way buffer”—and a buffer with abrasive on four sides—a “four-way buffer”—is immediately apparent to any consumer used to buying nail buffers. Even if such a consumer did not have a preference for either three-way or four-way buffers (although they almost always do), they would at a glance be able to tell that a buffer with abrasive on only three sides had abrasive on three sides, and was a three-way buffer, while a buffer with abrasive on four sides had abrasive on all four sides, and was a four-way buffer. I cannot imagine consumers would buy buffers with abrasive on four sides thinking that they were buying buffers with abrasive on three sides.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 29, 2005.

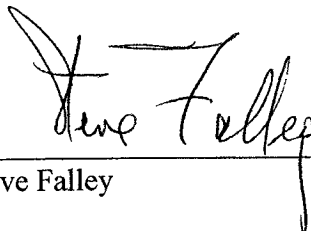
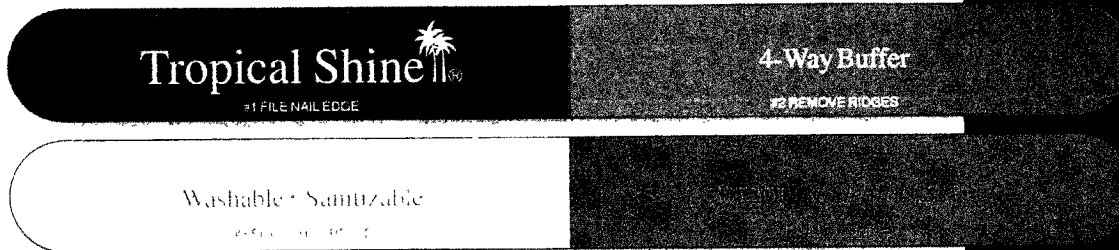
  
\_\_\_\_\_  
Steve Falley

Exhibit 1

# "The Finest Nail Files in the World"™

# Tropical Shine®

WASHABLE & SANITIZABLE



707201 7½" LARGE 4-WAY BUFFER (Actual Size)

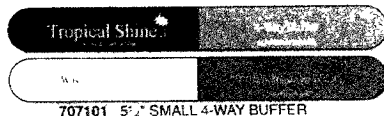
## 4-Way Buffers

### Mini, Small & Large 4-Way Buffers

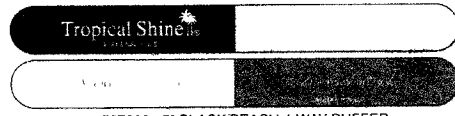
- Our Buffers have the advantage of a 3-Way Buffer PLUS a File.
- Our Buffers have directions for usage printed on each part.



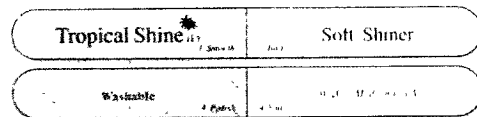
707001 3½" MINI 4-WAY BUFFER



707101 5½" SMALL 4-WAY BUFFER

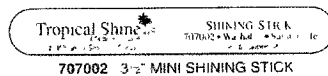


707203 7" BLACK/PEACH 4-WAY BUFFER

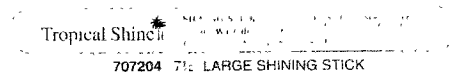


707205 7½" 4-WAY SOFT SHINER

## 2-Way Shining Stick



707002 3½" MINI SHINING STICK

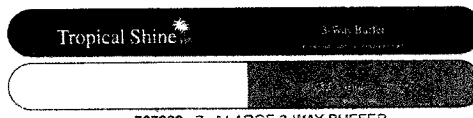


707204 7½" LARGE SHINING STICK

## 3-Way Buffers

### Large & Small 3-Way Buffers

- Side #1 for filing nail edges and removing ridges
- Side #2 smooths nail surface.
- Side #3 for a super shine.



707202 7½" LARGE 3-WAY BUFFER



707102 5½" SMALL 3-WAY BUFFER

## Mini 4-Way Buffer Block

- Block shaped for easier handling, cuticle protection edge for safety.
- The Mini 4-Way Buffer Block has directions for usage printed on each part



707914 1"x1"x3" MINI 4-WAY BUFFER BLOCK

4-WAY BUFFERS

Toll Free:  
**800-4-REALYS**  
**800-473-2597**

Phone:  
**714-842-1702**

Fax:  
**714-848-0946**

**REALYS, INC.**  
7601 Woodwind Dr.  
Huntington Beach  
California 92647

Exhibit 1 to the Declaration of Steve Falley: First Page of 1987 Realys Brochure.

Exhibit 2

**Exhibit 2 to the Declaration of Steve Falley: The Tropical Shine, Mini 4-Way Buffer.**



Exhibit 3

**Exhibit 3 to the Declaration of Steve Falley: Examples of the Realys' Four-Way Buffer Block with different brand names printed on them.**

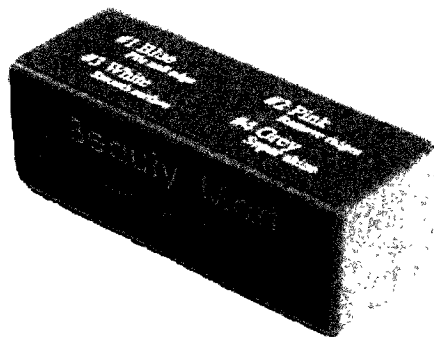
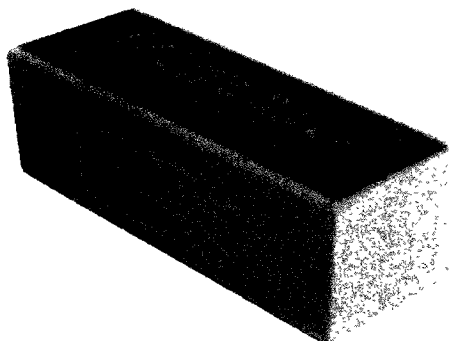
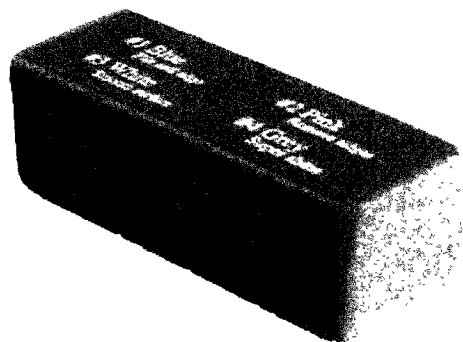
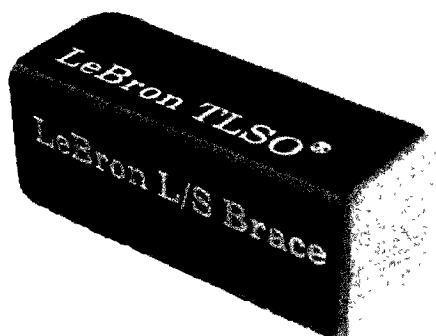


Exhibit 14



**Exhibit 4 to the Declaration of Steve Falley: The Three-Way Buffer that Realys, Inc. Makes for Tammy Taylor.**

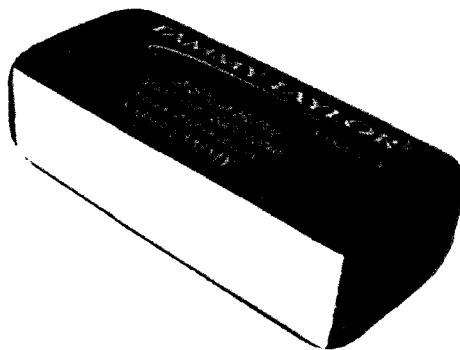


Exhibit 5

# United States Patent [19]

## Letherby et al.

[11] Patent Number: Des. 416,648

[45] Date of Patent: \*\* Nov. 16, 1999

## [54] MANICURE/PEDICURE TOOL

5,596,786 1/1997 Kluiters ..... 14/244 1

[75] Inventors: Anne M. Letherby, Grand Rapids;  
Lawrence D. Gaynor, Bloomfield, both  
of Mich.

## FOREIGN PATENT DOCUMENTS

816026 7/1937 France ..... 451/524  
457585 3/1975 U.S.S.R. .... 451/540

[73] Assignee: Nailco, Inc., Farmington Hills, Mich.

[\*\*] Term: 14 Years

Primary Examiner—Ted Shooman

Assistant Examiner—C. Tuttle

Attorney, Agent, or Firm—Dykema Gossett PLLC

[21] Appl. No.: 29/092,352

## [57] CLAIM

[22] Filed: Aug. 17, 1998

The ornamental design for a manicure/pedicure tool, as  
shown and described.

[51] LOC (6) Cl. .... 28-03

## DESCRIPTION

[52] U.S. Cl. .... D28/59

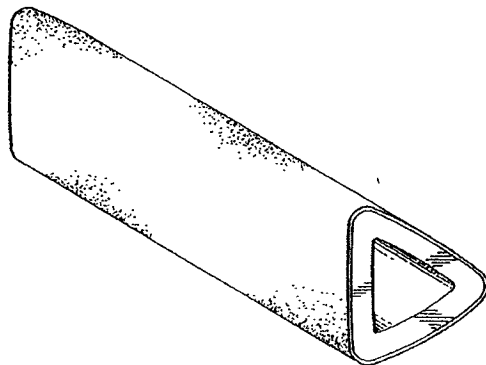
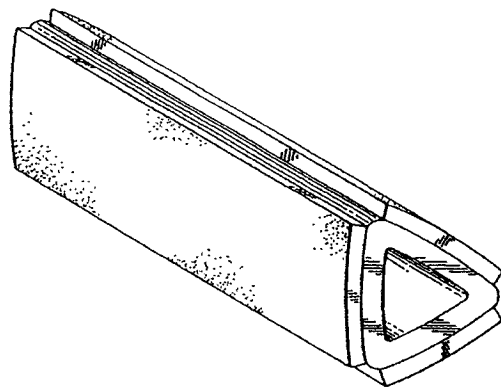
[58] Field of Search ..... D28/56, 57, 59;  
132/73, 73.5, 75, 76.2, 76.4, 76.5; 451/522-526,  
540, 557, 490FIG. 1 is a perspective view of a manicure/pedicure tool  
showing my new design.FIG. 2 is an end view of the manicure/pedicure tool shown  
in FIG. 1 both ends appearing the same.FIG. 3 is a side view seen from the left of FIG. 2, the views  
of the upper right and lower right sides of FIG. 2 being the  
same as the side shown;FIG. 4 is a perspective view of a manicure/pedicure tool  
showing a second embodiment of my new design.FIG. 5 is a side view seen from the left of FIG. 4, the views  
of the upper right and lower right sides of FIG. 1 being the  
same as the side shown; and,FIG. 6 is an end view of the manicure/pedicure tool shown  
in FIG. 4 both ends appearing the same.The appearance within the unshaded area of FIGS. 1, 2, 4 and  
6 forms no part of the claimed design.

## [56] References Cited

## U.S. PATENT DOCUMENTS

|            |         |            |          |
|------------|---------|------------|----------|
| 7,400      | 11/1850 | Higgins    | 15/231   |
| D. 257,541 | 11/1980 | Fox et al. | D28/59   |
| D. 262,147 | 12/1981 | Sussman    | D28/59   |
| D. 360,121 | 7/1995  | Anderson   | D8/90    |
| D. 369,438 | 4/1996  | Resler     | D28/59   |
| 817,766    | 4/1906  | Hames      | 15/118   |
| 1,829,338  | 10/1931 | Bynum      | 132/76.5 |
| 2,229,726  | 1/1941  | Cocozella  | 451/490  |
| 2,505,295  | 4/1950  | Meyers     | 401/37 X |
| 2,838,057  | 6/1958  | Smith      | 132/76.4 |
| 4,366,828  | 1/1983  | Hokama     | 132/75.6 |
| 4,757,571  | 7/1988  | Young      | 15/167.3 |

1 Claim, 2 Drawing Sheets



**U.S. Patent**

**Nov. 16, 1999**

**Sheet 2 of 2**

**Des. 416,648**

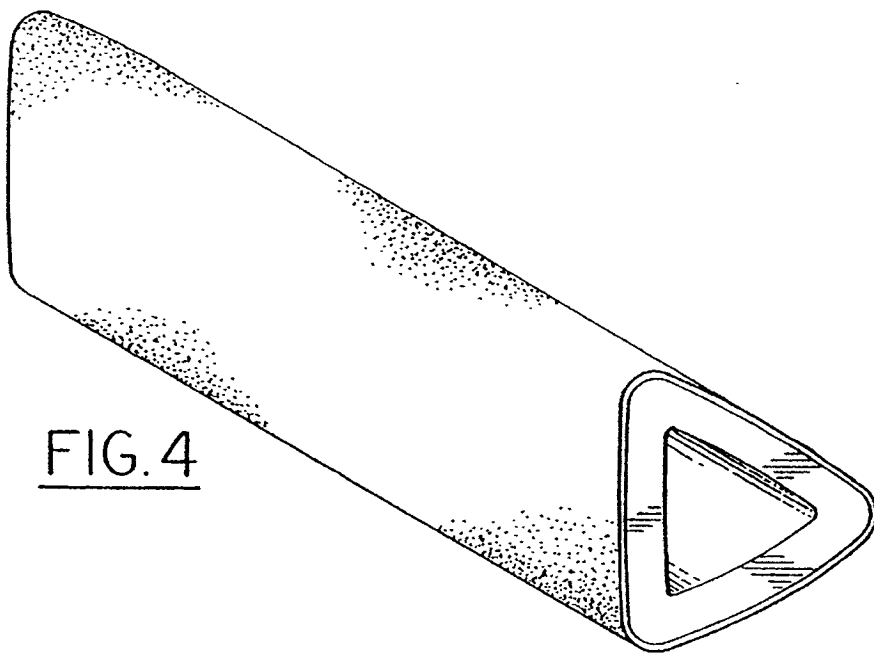


FIG. 4

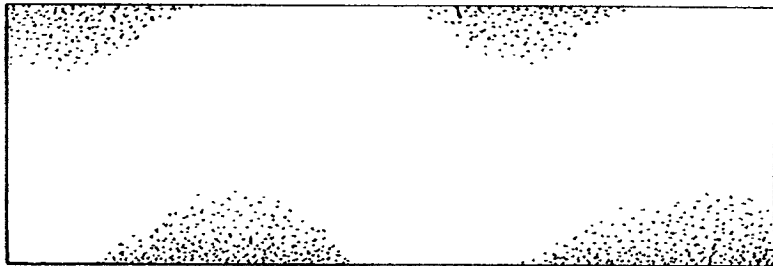


FIG. 5

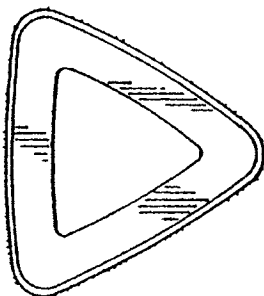


FIG. 6

**U.S. Patent**

**Nov. 16, 1999**

**Sheet 1 of 2**

**Des. 416,648**

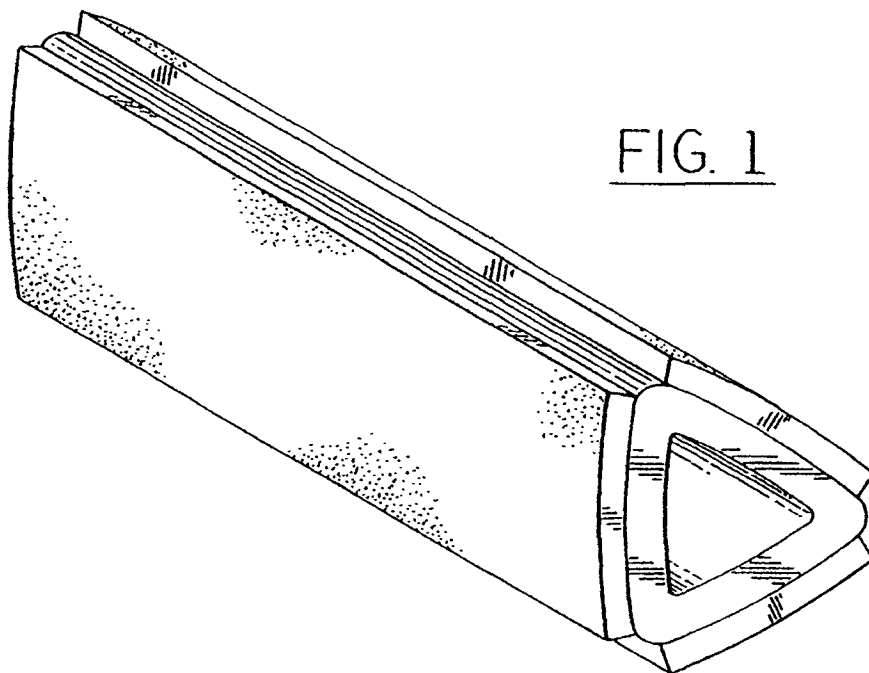


FIG. 1

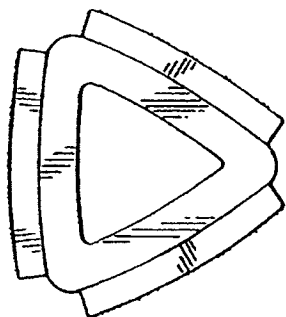


FIG. 2

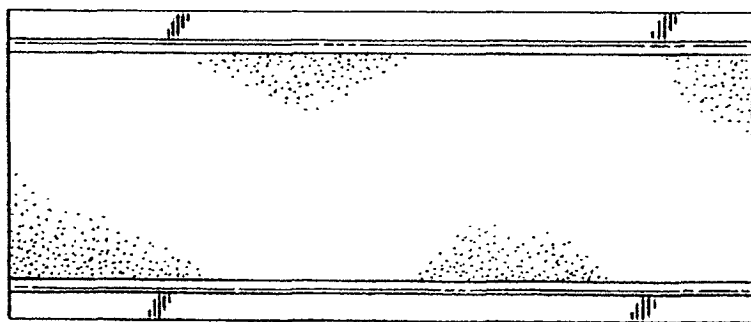


FIG. 3

Exhibit 6

**Exhibit 6 to the Declaration of Steve Falley: The “Lil Whistler” that Realys makes for Nailco Inc.**

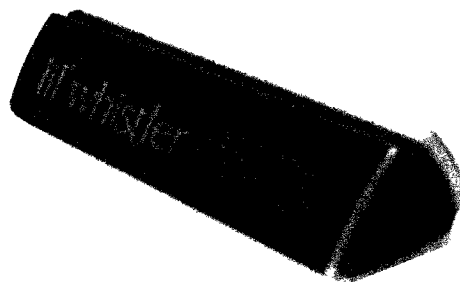


Exhibit 7



# MANUFACTURERS™

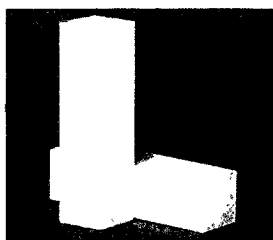
Effective August 1, 1994

Volume #7

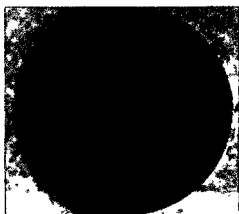


**Manufacturer and Distributor of  
Top Quality Professional Manicure,  
Pedicure and Skin Care Products**

Exhibit 7 to the Declaration of Steve Falley: International Nail Manufacturer's Catalogue

**I.N.M. OUR SPECIALTIES BLOCK BUFFERS****WHITE BLOCKS**4 SIDED MED/FINE  
WHITE BLOCKS381001 UNDER 1000 .30¢  
1000 CASE PACK .27¢**GRAY BLOCKS**4 SIDED MED/FINE  
GRAY FOAM CENTERS382001 UNDER 1000 .30¢  
1000 CASE PACK .27¢**\*\*FULL SIZE BLOCKS AVAILABLE - CALL FOR A QUOTE****BLOCK BUFFERS/HALF BLOCK\*\*  
STANDARD SPECKLED CENTER**Block Buffer is for buffing acrylic nails  
.30¢ each

.27¢ each in Cases of 550 Pieces

ORDER #  
S384001  
S384002GRIT  
Medium/Coarse\*\*  
Medium/Fine\*\***\*\*FULL SIZE BLOCKS AVAILABLE - CALL FOR A QUOTE****2-1/4" WASHABLE DISC BUFFERS**Thin foam cushion for comfort.  
Washable  
(Wet/Dry) Shrink wrapped in  
50 count packs**50-500 Pieces  
\$8.00 per Pack****500+ Pieces  
\$6.00 per Pack**

Also available in 2x2 squares

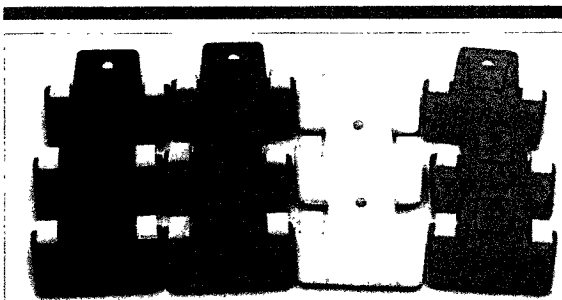
| ORDER #  | COLOR | GRIT    |
|----------|-------|---------|
| AI21 ( ) | Pink  | 400/600 |
| AH20 ( ) | Blue  | 220/320 |
| AB06 ( ) | Black | 240/240 |
| AB05 ( ) | Black | 180/180 |
| AB02 ( ) | Black | 100/100 |

**2-1/4" WASHABLE DISC COMBO BUFFERS****50 PIECE PACK****50-500 Pieces \$8.00 Per Pack  
500+ Pieces \$6.00 Per Pack**

| ORDER #  | COLOR | GRIT    |
|----------|-------|---------|
| AB19 ( ) | Black | 240/240 |
| AB18 ( ) | Black | 180/240 |
| AB14 ( ) | Black | 100/180 |
| AG18 ( ) | Gold  | 180/240 |
| AG14 ( ) | Gold  | 100/180 |

**Thirty Five****2-1/4" NON WASHABLE DISC COMBO BUFFERS****50 PIECE PACK****50-500 Pieces \$8.00 Per Pack  
500+ Pieces \$6.00 Per Pack**

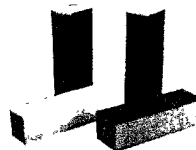
| ORDER #  | COLOR             | GRIT    |
|----------|-------------------|---------|
| AV22 ( ) | Lt. Pink/Dk. Pink | 600/800 |
| AUT6 ( ) | Lt. Blue/Dk. Blue | 120/320 |
| AZ18 ( ) | Zebra Combo       | 180/240 |
| AZ14 ( ) | Zebra Combo       | 100/180 |

**BUFFER CLIPS**To hold square and round disc buffers, use as a handle to get  
maximum use out of the buffers. Assorted colors, 48 per box

ORDER # S241001 PRICE EA \$ .25

**BUFF BUSTER BUFFER BLOCKS****3-Sided Natural Nail  
Buffer Block**

| ORDER # AXNN | QUANTITY | PRICE EA |
|--------------|----------|----------|
| 1-100        |          | \$ 1.10  |
| 100 +        |          | 1.00     |

**COLOR BLOCK BUFFERS**

| ORDER # | COLOR             | QUANTITY | PRICE EA |
|---------|-------------------|----------|----------|
|         |                   | 1-500    | \$ .35   |
|         |                   | 500 +    | .30      |
| S362001 | Multi-Color Swirl |          |          |
| S362002 | Orange            |          |          |
| S362003 | Purple            |          |          |
| S362004 | White             |          |          |

Exhibit 8

**(12) United States Design Patent**  
**Torkiya****(10) Patent No.: US D467,389 S**  
**(45) Date of Patent: \*\* Dec. 17, 2002****(54) NAIL BUFFER****(76) Inventor: Adi Torkiya, 114 Oak Bend Dr.,  
Coppell, TX (US) 75019****(\*\*) Term: 14 Years****(21) Appl. No.: 29/155,619****(22) Filed: Feb. 13, 2002****Related U.S. Application Data****(62) Division of application No. 29/149,507, filed on Oct. 11,  
2001, now Pat. No. Des. 459,548.****(51) LOC (7) Cl. .... 28-03****(52) U.S. Cl. .... D28/59****(58) Field of Search .... D28/56, 57, 59;  
D4/119, 121, 137; D8/90-94; D32/40, 52;  
132/73, 73.5, 75, 75.6, 76.4, 76.5; 451/490,  
522-525, 540, 552-558; 15/167.3****(56) References Cited****U.S. PATENT DOCUMENTS**

|             |           |               |          |
|-------------|-----------|---------------|----------|
| 651,479 A   | 6/1900    | Essich et al. |          |
| 965,444 A   | 7/1910    | Dahl          |          |
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| 2,557,175 A | 6/1951    | Cortes        |          |
| 2,838,057 A | 6/1958    | Smith         |          |
| 2,911,769 A | • 11/1959 | Trussell      | 451/503  |
| D201,944 S  | 8/1965    | Leopoldi      |          |
| 4,246,914 A | 1/1981    | Keyser        |          |
| D260,356 S  | 8/1981    | Hall          |          |
| 4,366,828 A | • 1/1983  | Hokama        | 132/75.6 |
| 4,757,571 A | 7/1988    | Young         |          |
| 4,785,586 A | 11/1988   | Kratfel       |          |
| D328,847 S  | • 8/1992  | Button et al. | D8/93    |

|             |         |                 |
|-------------|---------|-----------------|
| 5,177,909 A | 1/1993  | Klocke          |
| D360,121 S  | 7/1995  | Anderson        |
| D369,438 S  | 4/1996  | Resler          |
| D406,394 S  | 3/1999  | Mulaisho        |
| 5,899,210 A | 5/1999  | Letherby et al. |
| D416,648 S  | 11/1999 | Letherby et al. |
| 6,006,413 A | 12/1999 | Farley          |

\* cited by examiner

Primary Examiner—Ted Shooman

Assistant Examiner—C. Tuttle

(74) Attorney, Agent, or Firm—Gardere Wynne Sewell LLP

**(57) CLAIM**

The ornamental design for a nail buffer, as shown and described.

**DESCRIPTION**

FIG. 1 is a perspective view of a nail buffer in accordance with my invention;

FIG. 2 is a left side elevation view of the nail buffer shown in FIG. 1;

FIG. 3 is a right side elevation view of the nail buffer shown in FIG. 1;

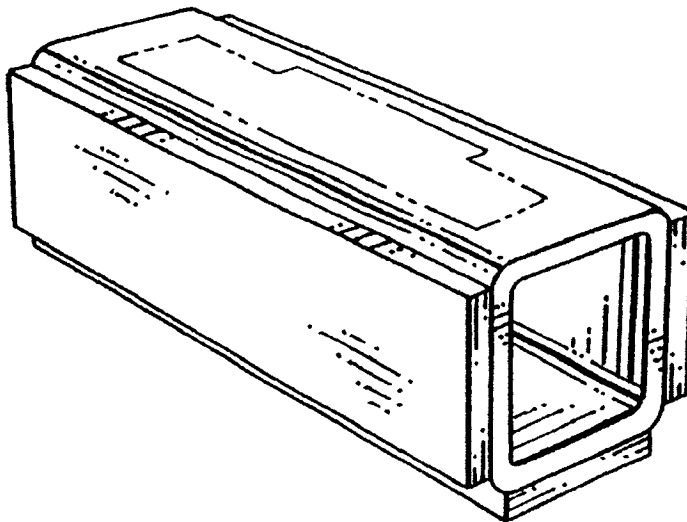
FIG. 4 is a front elevation view of the nail buffer shown in FIG. 1;

FIG. 5 is a rear end elevation view of the nail buffer shown in FIG. 1;

FIG. 6 is a top plan view of the nail buffer shown in FIG. 1; and,

FIG. 7 is a bottom plan view of the nail buffer shown in FIG. 1.

The dashed outlines in the views of FIGS. 1 and 6 showing the location of indicia are for illustrative purposes only and form no part of the claimed design.

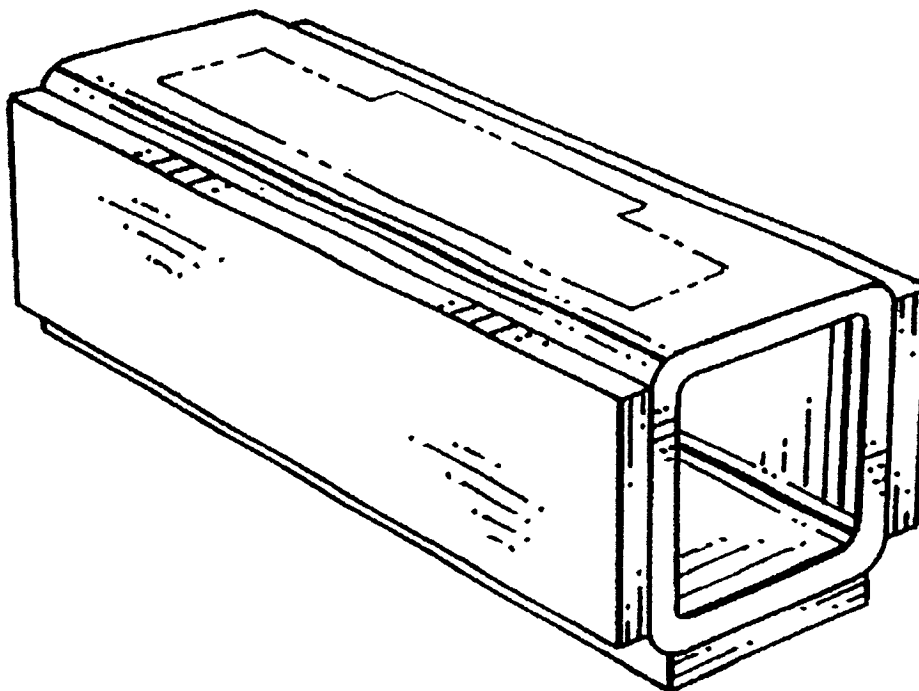
**1 Claim, 3 Drawing Sheets**

**U.S. Patent**

**Dec. 17, 2002**

**Sheet 1 of 3**

**US D467,389 S**



**FIG. 1**

U.S. Patent

Dec. 17, 2002

Sheet 2 of 3

US D467,389 S

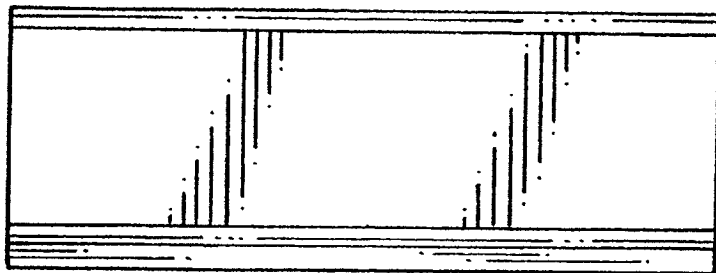


FIG. 2

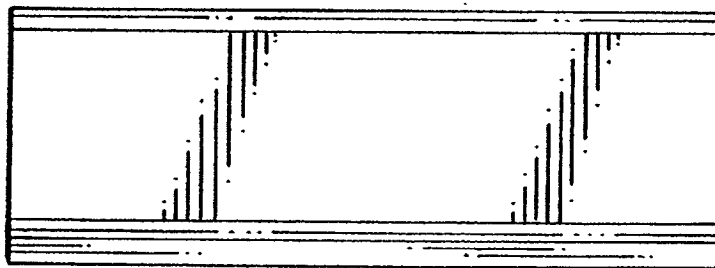


FIG. 3

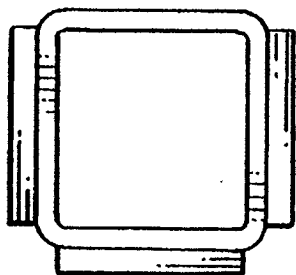


FIG. 4

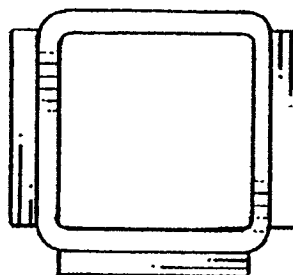


FIG. 5

U.S. Patent

Dec. 17, 2002

Sheet 3 of 3

US D467,389 S

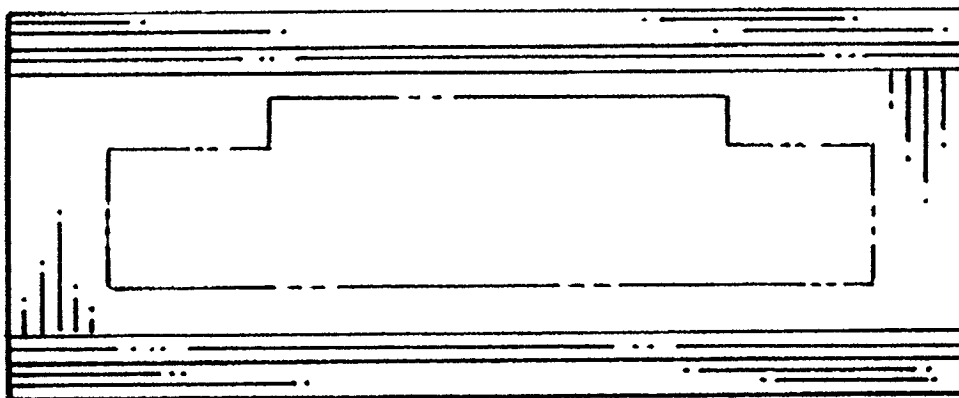


FIG. 6

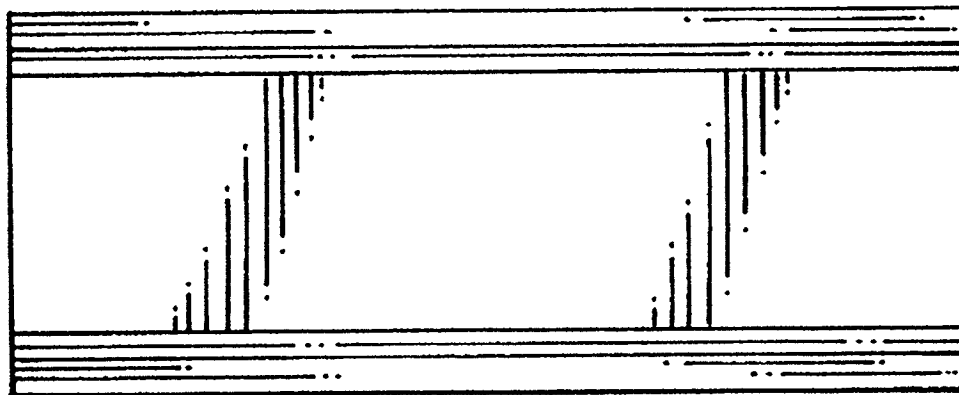


FIG. 7

Exhibit 9



**Exhibit 9 to the Declaration of Steve Falley: The Four-Way Buffer that Realys makes for Swisa Inc.**

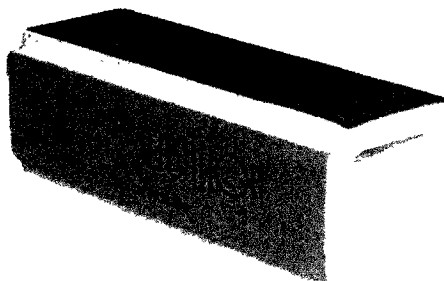


Exhibit B

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

|                                    |   |                                 |
|------------------------------------|---|---------------------------------|
| EGYPTIAN GODDESS, INC.,            | § |                                 |
|                                    | § |                                 |
| Plaintiff and Counter-Defendant,   | § |                                 |
|                                    | § |                                 |
| VS.                                | § |                                 |
|                                    | § |                                 |
|                                    | § |                                 |
| SWISA, INC. and DROR SWISA,        | § |                                 |
| INDIVIDUALLY,                      | § |                                 |
|                                    | § | CIVIL ACTION NO. 3-03-CV-0594-N |
| Defendants, Counter-Plaintiffs and | § |                                 |
| Third-Party Plaintiffs,            | § |                                 |
|                                    | § |                                 |
| VS.                                | § |                                 |
|                                    | § |                                 |
| ADI TORKIYA,                       | § |                                 |
|                                    | § |                                 |
| Third-Party Defendant.             | § |                                 |

**DECLARATION OF SID LANDE IN SUPPORT OF  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, SID LANDE, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

My name is Sid Lande. I am over the age of twenty-one (21) years, of sound mind, and fully competent to testify in this cause. I have personal knowledge of the facts stated herein, all of which are true and correct.


1. I am the owner of Paul Lande Company which is a manufacturer's representative agency in the professional beauty supply industry. I am an expert witness for Swisa, Inc. and Dror Swisa (collectively "Swisa") in this lawsuit.

2. I have previously prepared an Expert Report in this lawsuit and a true and correct copy of the Report is attached hereto as Exhibit A. The statements contained in the Report are

true and correct and I incorporate herein by reference the Expert Report as if it was set forth in full.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 30, 2005.

  
\_\_\_\_\_  
SID LANDE

# **Exhibit A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

EGYPTIAN GODDESS, INC.,  
Plaintiff and Counter-Defendant,

VS.

SWISA, INC. and DROR SWISA,  
INDIVIDUALLY,

**Defendants, Counter-Plaintiffs and  
Third-Party Plaintiffs,**

VS.

ADI TORKIYA,

**Third-Party Defendant.**

CIVIL ACTION NO. 3-03-CV-0594-N

**DECLARATION OF SID LANDE IN SUPPORT OF  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, SID LANDE, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

My name is Sid Lande. I am over the age of twenty-one (21) years, of sound mind, and fully competent to testify in this cause. I have personal knowledge of the facts stated herein, all of which are true and correct.

1. I am the owner of Paul Lande Company which is a manufacturer's representative agency in the professional beauty supply industry. I am an expert witness for Swisa, Inc. and Dror Swisa (collectively "Swisa") in this lawsuit.

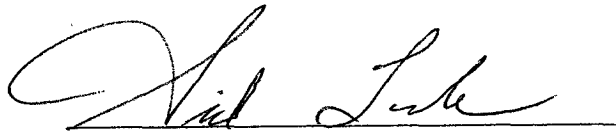
2. I have previously prepared an Expert Report in this lawsuit and a true and correct copy of the Report is attached hereto as Exhibit A. The statements contained in the Report are

her  
A

true and correct and I incorporate herein by reference the Expert Report as if it was set forth in full.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 30, 2005.



SID LANDE

# **Exhibit A**



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

EGYPTIAN GODDESS, INC.,

Plaintiff,

VS.

SWISA, INC. and DROR SWISA,  
INDIVIDUALLY,

**Defendants.**

❧ ❧ ❧ ❧ ❧ ❧ ❧ ❧ ❧ ❧ ❧ ❧ ❧

CIVIL ACTION NO. 3-03-CV-0594-N

**EXPERT WITNESS REPORT OF SID LANDE**

My name is Sid Lande and I have been asked to give an expert opinion in this case. My report is based primarily on my long experience in the industry, as explained further below. I have also examined certain documents and objects provided to me by the law firm of Kirkpatrick & Lockhart, LLP., including U.S. Patent D467,389, U.S. Patent D459,548, and a four-sided hollow buffer block sold by Swisa, Inc..

As an expert witness I am being paid \$150 an hour. I have never been an expert witness before.

I am the owner of the Paul Lande Company. Our Company is a manufacturer's representative agency in the professional beauty supply industry. We are the exclusive sales agents for a variety of companies in Texas, Oklahoma, Arkansas and Louisiana. Our company was started in 1959 by my father, Paul Lande, and I joined the firm in 1977. I have been employed by Paul Lande Company continuously since that time, for a total of approximately 25 years.

Our company sells professional beauty products to beauty supply retail stores and to wholesale beauty supply distributors with salesmen calling on salons. In my job I call on the buyers of our customers. I also visit their stores and am very aware of how consumers perceive the products I sell. Our products are ultimately sold to retail consumers and to beauty salon hairstylists and manicurists. I believe my experience selling nail files and nail buffers over the past fifteen years in the professional beauty industry have given me a clear understanding of precisely what consumers look for before purchasing these items.

I was asked to describe the difference between a 3-way buffer and a 4-way buffer and how consumers would react to the difference between the two. A 3-way buffer is a nail file that has three distinct surfaces. Each surface has a different grit or roughness.

The 3-way buffer is used to buffer the top of the nail to create a shiny nail surface using all 3 surfaces. The 4-way buffer is a nail file with four distinct surfaces. Each surface has a different grit or roughness. The 4-way buffer has one surface that is rough to shorten the length of the nail and the other three surfaces are used to buff the top of the nail to create a shine. The 4-way buffer is an improvement over the 3-way buffer because the user does not have to use a separate file to shorten the length of the nail.

The 3-way buffer and 4-way buffer are as different as apples and oranges and my customers carry both items in their retail stores or in their warehouses. Stores carry both types of buffers because some customers prefer a 3-way buffer and others prefer a 4-way buffer.

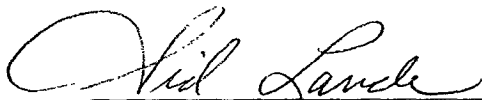
In 1987, the Paul Lande Company became the exclusive sales agent for a nail file manufacturer doing business as Realys Incorporated, and began selling the various files manufactured by Realys. We continue to be the sales agent at this time for Realys Inc. Attached to this report as Exhibit 1 to this Report is a Realys brochure that we have been using since 1987. In fact, our company suggested that Realys create this brochure in 1987. The 3-way buffer was marketed by a few nail file companies but Realys came out with a new 4-way buffer which was the first to be introduced to the market place. The 4-way buffer was an instant success and sales to this day have been very strong. Realys came out with the 4-way buffer in two shapes: a flat traditional file shape with two sides and a block shape with 4 sides. The block shape is shown on the first page of the brochure. An image of this same 4-way buffer but in different colors is attached as Exhibit 2 to this Report.

Our company sells the Realys nail files and buffer blocks to a retail beauty supply business known as Sally Beauty Company with over 2000 stores in all 50 states. They carry both 3-way buffers and 4-way buffers. Sally's has carried these files in all of their stores for the last fifteen years. The two items are considered to be different or Sally would not be stocking both items.

Since the 3-way and 4-way buffers have been on the market for fifteen years and carried by many retail stores throughout the nation anyone in the business of selling nail files and buffers would necessarily quickly become aware of the difference between the two items and the fact that they appeal to different end users.

I have examined the Swisa 4-way buffer an image of which is attached as Exhibit 3 to this Report. The Swisa 4-way buffer is a block with four surfaces and a hollow interior. The four sides are used to shorten and shine the nail. The hollow interior allows the user to hide their fingers when holding the block so as not to harm the users nail when using the file. The Swisa 4-way buffer functions just like the Realys 4-way buffer block except that the Swisa product differs from the Realys 4-way buffer block because the interior is hollow and the Realys block is solid. From the standpoint of an end user the Swisa 4-way block would be seen as a hollow variation of the Realys 4-way buffer block.

I understand the Egyptian Goddess has filed a lawsuit against Swisa saying the Swisa product is an infringement of their design patent. I have looked at the design shown in U.S. Patent D467,389, a copy of which is attached as Exhibit 4 to this Report. It is a block shape with hollow interior and has three surfaces. In my opinion the consumer would immediately recognize that the Swisa product is a 4-way buffing block and would not confuse this with the Egyptian Goddess product, which only has three different abrasive surfaces.



SID LANDE

12-10-03

DATE

**INDEX TO THE EXHIBITS TO SID LANDE'S EXPERT REPORT**

|                                                       | <b>Exhibit No.</b> |
|-------------------------------------------------------|--------------------|
| Realys Inc. 1987 Brochure                             | 1                  |
| The Tropical Shine, 4-Way Buffer Block                | 2                  |
| The Four-Way Buffer that Realys makes for Swisa, Inc. | 3                  |
| U.S. Patent D467,389 (the '389 Patent)                | 4                  |

Exhibit 1

# "The Finest Nail Files in the World"

# Tropical Shine II.

WASHABLE & SANITIZABLE

Tropical Shine II.

#1 FILE NAIL EDGE

4-Way Buffer

#2 REMOVE RIDGES

Washable • Sanitizable

#3 SMOOTH SURFACE

707201 7½" LARGE 4-WAY BUFFER (Actual Size)

## 4-Way Buffers

### Mini, Small & Large 4-Way Buffers

- Our Buffers have the advantage of a 3-Way Buffer PLUS a File.
- Our Buffers have directions for usage printed on each part.

Tropical Shine II.

4-Way Buffer

Washable • Sanitizable

#3 SMOOTH SURFACE

707001 3½" MINI 4-WAY BUFFER

Tropical Shine II.

4-Way Buffer

Washable • Sanitizable

#3 SMOOTH SURFACE

707101 5½" SMALL 4-WAY BUFFER

Tropical Shine II.

4-Way Buffer

Washable • Sanitizable

#3 SMOOTH SURFACE

707203 7" BLACK/PEACH 4-WAY BUFFER

Tropical Shine II.

Soft Shiner

707205 Made in U.S.A.

707205 7½" 4-WAY SOFT SHINER

## 2-Way Shining Stick

Tropical Shine II.

SHINING STICK

707002 • Washable • Sanitizable

1. White to Smooth Surface

2. Grey to Super Shine

707002 3½" MINI SHINING STICK

Tropical Shine II.

SHINING STICK

707204 Washable U.S.A.

For Acrylics, Natural Nails and Polish

707204 7½" LARGE SHINING STICK

## 3-Way Buffers

### Large & Small 3-Way Buffers

- Side #1 for filing nail edges and removing ridges.
- Side #2 smooths nail surface.
- Side #3 for a super shine.

Tropical Shine II.

3-Way Buffer

Washable • Sanitizable

#3 SMOOTH SURFACE

707202 7½" LARGE 3-WAY BUFFER

Tropical Shine II.

3-Way Buffer

Washable • Sanitizable

#3 SMOOTH SURFACE

707102 5½" SMALL 3-WAY BUFFER

## Mini 4-Way Buffer Block

- Block shaped for easier handling, cuticle protection edge for safety.
- The Mini 4-Way Buffer Block has directions for usage printed on each part.



707914 1"x1"x3" MINI 4-WAY BUFFER BLOCK

4-WAY BUFFERS

APP 039

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**REALYS, INC.**

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Huntington Beach  
California 92647

# Tropical Shine®

707  
301Washable • Sanitizable  
Fine • U.S.A.

**707301 FINE PINK FILE (Actual Size)**  
(For final finishing on acrylic or natural nails)

## 7 1/2" FLASH FILES

707905 4-Way File

707905 4-WAY FLASH FILE

FLASH FILES 4-Way Buffer  
#2 REMOVE RIDGESWashable • Sanitizable  
#1 SMOOTH SURFACE

707906 4-WAY BUFFER FLASH FILE

Tropical Shine®  
FLASH FILES  
707901 • Extra Fine  
Washable • Sanitizable707901 EXTRA FINE YELLOW FLASH FILE  
(Made with Mylar for finishing soft, thin nails)707902 FINE GREEN FLASH FILE  
(Made with Mylar for smoothing & filing nail edges)707903 MEDIUM ORANGE FLASH FILE  
(Made with Mylar for finishing edges on natural & acrylic nails)707904 COARSE RED FLASH FILE  
(Made with Mylar for filing strong natural & acrylic nails quickly)

## 7 1/2" WHITE LIGHTNING

Tropical Shine®  
WHITE LIGHTNING  
707307 Coarse/Medium  
Washable • Sanitizable • U.S.A.707307 COARSE/MEDIUM WHITE LIGHTNING FILE  
(For heavy sanding on acrylic nails)Tropical Shine®  
WHITE LIGHTNING  
707308 Medium/Fine  
Washable • Sanitizable • U.S.A.707308 MEDIUM/FINE WHITE LIGHTNING FILE  
(For smoothing & finishing on acrylic nails)Tropical Shine®  
WHITE LIGHTNING  
707507 Coarse 100  
Washable • Sanitizable • U.S.A.707507 COARSE 100 WHITE LIGHTNING FILE  
(For heavy sanding on acrylic nails)Tropical Shine®  
WHITE LIGHTNING  
707508 Medium 180  
Washable • Sanitizable • U.S.A.707508 MEDIUM 180 WHITE LIGHTNING FILE  
(For smooth sanding on acrylic nails)Tropical Shine®  
WHITE LIGHTNING  
707509 Fine 240  
Washable • Sanitizable • U.S.A.707509 FINE 240 WHITE LIGHTNING FILE  
(For final finishing on acrylic or natural nails)

## 7 1/2" 4-Way Files

Tropical Shine®  
707  
309WHITE LIGHTNING 4-Way File  
Washable • Sanitizable • Made in U.S.A.

707309 WHITE LIGHTNING 4-WAY FILE

Tropical Shine®  
707  
410Black 4-Way File  
Washable • Sanitizable • Made in U.S.A.

## 7 1/2" Assorted Cushion Files

Tropical Shine®  
707  
302 Washable • Sanitizable  
Medium • U.S.A.707302 MEDIUM BLUE FILE  
(For smooth sanding on acrylic nails)Tropical Shine®  
707  
304 Washable • Sanitizable  
Fine • U.S.A.707304 FINE TAN FILE  
(For final finishing on acrylic or natural nails)Tropical Shine®  
707  
305 Washable • Sanitizable  
Coarse • U.S.A.707305 COARSE GOLD FILE  
(For heavy sanding on acrylic nails)Tropical Shine®  
Washable • Sanitizable  
707401 Long Life  
Made in U.S.A.707401 COARSE LONG-LIFE FILE  
(Durable and Long Lasting for heavy sanding on acrylic nails)Tropical Shine®  
Washable • Sanitizable  
707402 Denim Soft Cloth  
Made in U.S.A.707402 COARSE BLUE DENIM FILE  
(Durable and Long Lasting for heavy sanding on acrylic nails)

## 7 1/2" Black & Zebra Cushion Files

Tropical Shine®  
707  
303 Washable • Sanitizable  
Coarse • U.S.A.707303 COARSE/MEDIUM BLACK FILE  
(For heavy sanding on acrylic nails)Tropical Shine®  
707  
503 Washable • Sanitizable  
Coarse 100 • U.S.A.707503 COARSE BLACK FILE  
(For heavy sanding on acrylic nails)Tropical Shine®  
707  
504 Washable • Sanitizable  
Medium 180 • U.S.A.707504 MEDIUM BLACK FILE  
(For heavy sanding on acrylic nails)Tropical Shine®  
707  
505 Washable • Sanitizable  
Fine 240 • U.S.A.707505 FINE BLACK FILE  
(For silk wraps or acrylic nails)Tropical Shine®  
707  
510 Washable • Sanitizable  
Fine / Medium • U.S.A.707510 FINE/MEDIUM BLACK FILE  
(For smoothing & finishing on acrylic nails)Tropical Shine®  
707  
511 Non-Washable  
Zebra / Fine / Medium707306 MEDIUM ZEBRA FILE  
(No-Fill / For medium & smooth sanding / Non-Washable)Tropical Shine®  
707  
512 Non-Washable  
Zebra / Fine / Medium707506 MEDIUM ZEBRA FILE  
(No-Fill / For medium & smooth sanding / Washable & Sanitizable)

# STANDARD COLLECTION

APP 040

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# Tropical Shine®

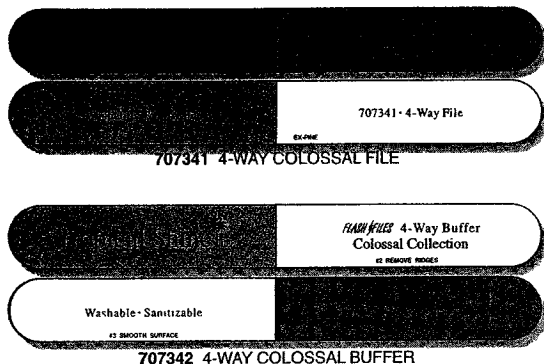
#1 FILE NAIL EDGE

## 4-Way Colossal Buffer For The Professional

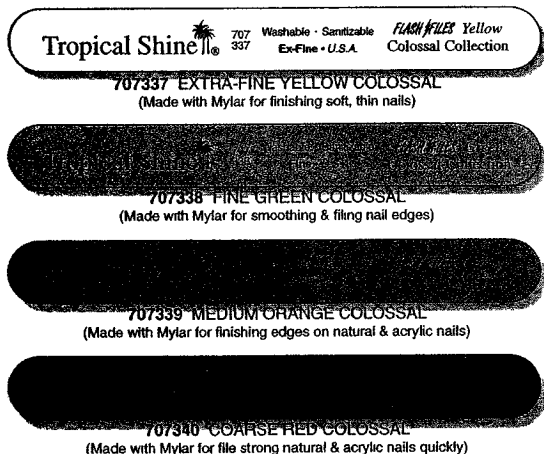
#2 REMOVE RIDGES

707330 8½" COLOSSAL 4-WAY BUFFER

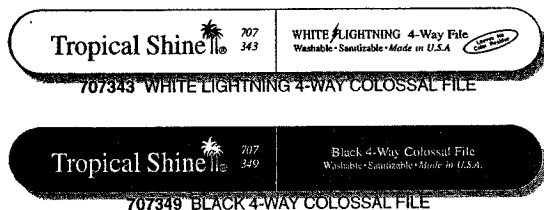
### 8½" Colossal 4-Way FLASH FILES



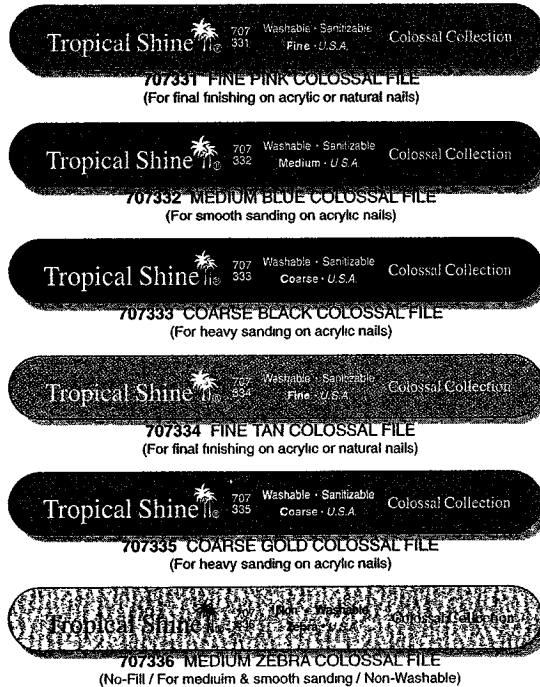
### 8½" Colossal FLASH FILES



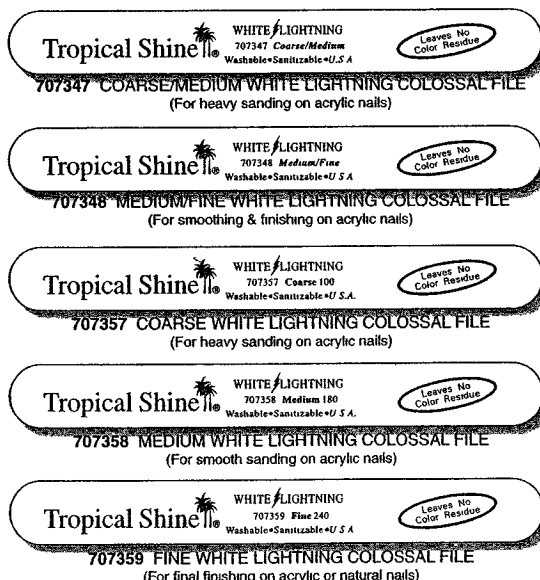
### 8½" 4-Way Colossal Files



### 8½" Colossal Cushion Files



### 8½" Colossal WHITE LIGHTNING



# COLOSSAL COLLECTION

APP 041

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**Tropical Shine**®

Washable • Sanitizable

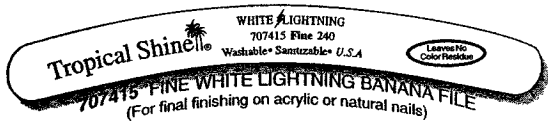
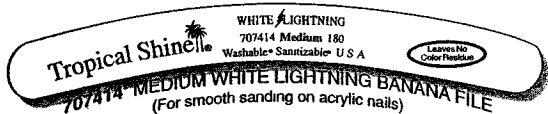
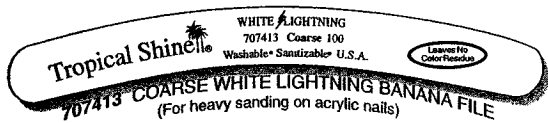
707311 Fine

Made in U.S.A.

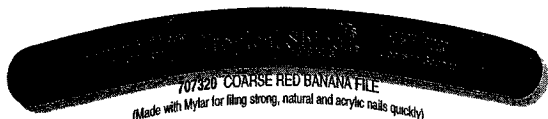
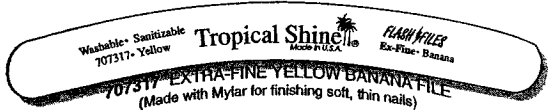
**707311 FINE PINK BANANA FILE** (Actual Size)  
(For final finishing on acrylic or natural nails)

Banana Files are made with a curved contour instead of the straight traditional shape. This extra feature is designed to assimilate your arm's natural motion and to provide for flexible & easier filing.

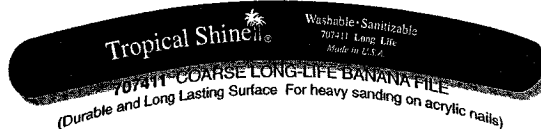
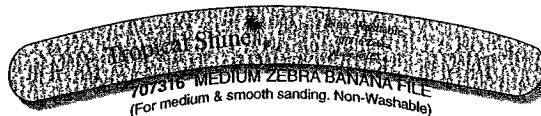
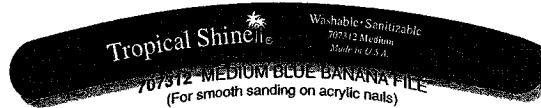
## Banana WHITE LIGHTNING



## Banana FLASH FILES



## Banana Cushion Files



# BANANA COLLECTION

APP 042

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707522 10" LARGE BLACK FOOT FILE

## Foot Files

- For smoothing rough skin
- Helps remove callus
- Use Wet or Dry
- Molded with no sharp edges
- Coarse & medium grit
- Cushioned abrasives eliminate friction burn



707501 6" FOOT FILE

## Round Sanders

### 2 1/4" Round Sanders

The Round Sander is great for all contour sanding jobs.

Round Sanders are 2 1/4" in. diameter. This pocket-size disc file is totally flexible and great for contouring all natural & acrylic nail surfaces.



707701 FINE PINK SANDER (Actual Size)



707702 MEDIUM BLUE SANDER



707703 COARSE COMBO SANDER



707704 MEDIUM/FINE COMBO SANDER



707705 EXTRA FINE SANDER

**Tropical Shine II®**  
Made in U.S.A.  
**Long Life Foot File**  
707521 • Washable • Sanitizable

707521 10" LONG LIFE FOOT FILE (Actual Size)

APP 043

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**SANDERS & FOOT FILES**

# Tropical Shine®

## Cuticle Treatment



ORDER #707221

- All Natural Ingredients
- Enriched with Vitamin E, Jojoba and Coconut
- Quick-Penetrating Formula
- Promotes Healthier Cuticles
- No Animal Testing

### SANITARY ONE-DROP APPLICATOR

The One-Drop dropper is a real show stopper. It saves you time and saves you money. And since the dropper never touches the surface of the nail, applications are more sanitary.



For pricing or to order from this catalog please call

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APP 044

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